

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations, practices, and conduct of Pacific Bell Wireless LLC dba Cingular Wireless, U-3060, U-4135 and U-4314, and related entities (collectively "Cingular") to determine whether Cingular has violated the laws, rules and regulations of this State in its sale of cellular telephone equipment and service and its collection of an Early Termination Fee and other penalties from consumers.

Investigation 02-06-003
(Filed June 6, 2002)

**INTERIM OPINION EXTENDING STATUTORY DEADLINE
(2nd Extension)**

Pub. Util. Code § 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of initiation unless the Commission makes findings why that deadline cannot be met and issues an order extending the deadline.

The presiding officer's decision (POD) was timely filed on August 27, within 60 days of submission of this proceeding, as required by Pub. Util. Code § 1701.2(a). Previously, at the request of Cingular Wireless (Cingular), Decision (D.) 02-12-048 extended the deadline for resolution of this investigation until October 17, 2003. However, resolution by October 17, 2003 is no longer possible, since the Commission has agreed to hear oral argument on the POD and has set oral argument for December 8, 2003. In order to accommodate this recent procedural development and enable the Commission to bring the proceeding

before it on a publicly noticed agenda, we must extend the schedule again, pursuant to Pub. Util. Code § 1701.2(d).

Good cause appearing, we will extend the deadline for resolving this proceeding in order to permit the Commission to hold oral argument on the POD and issue a decision.

Under Rule 77.7(f)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of draft decisions that extend the deadline for resolution of adjudicatory proceedings. Accordingly, pursuant to Rule 77.7(f)(4), the otherwise applicable period for public review and comment is being waived.

Assignment of Proceeding

Carl W. Wood is the Assigned Commissioner and Jean Vieth is the assigned ALJ.

Findings of Fact

1. Pursuant to Pub. Util. Code § 1701.2(d), the current deadline for resolving this proceeding is October 17, 2003.
2. In order to accommodate oral argument and enable the Commission to review the POD and issue a decision on a publicly noticed agenda, we must extend the schedule again.

Conclusion of Law

The current deadline for resolution of this proceeding, imposed by Pub. Util. Code § 1701.2(d) should be extended until the Commission issues a decision at a publicly noticed meeting.

INTERIM ORDER

IT IS ORDERED that the current deadline for resolution of this proceeding, imposed by Pub. Util. Code § 1701.2(d) is extended.

This order is effective today.

Dated _____, at San Francisco, California.